

Appl. No. 10/646,149  
Amdt. dated May 2, 2006  
Reply to Office Action of February 2, 2006

PATENT

**REMARKS/ARGUMENTS**

Claims 1-23 are pending in this application, claims 16-23 having been added hereby.

New claims. New method claim 16 and corresponding apparatus claim 20 have been added, and are directed to using a button to activate the menu function, with movement of the remote moving within the menu, and lifting the finger from the remote selecting an item or value on the menu. This does not add new matters, since it is described on page 10, lines 6-35 of the application. Those of skill in the art know that pressing a mouse button, as described, sends a first button state command, and releasing a mouse button sends a second button state command. The selection of menu, volume or channel in the dependent claims also does not add new matter, and is also supported by the description on page 10, and also Figs. 3 and 4 and associated description. These features as claimed are not shown or suggested in any of the cited prior art.

Lee. All the claims have been rejected as anticipated by Lee (US 5,545,857). Lee shows a remote control with a touch screen. The touch screen can be used for both character recognition, and also as a pointer. However, the undersigned could find no description of, as set forth in claim 1:

*select among items on said menu in response to a signal generated which corresponds to motion by the operator on said pointing device in the first direction, and to select an aspect of a selected menu item in response to a signal generated which corresponds to motion by the operator on said pointing device in the second direction.*

The sections of Lee show moving a cursor in two directions, or dimensions, for one function, placing the cursor on an icon. Lee does not show anything like what is illustrated in the embodiment of Figs. 3 and 4 of the instant application, where vertical movement selects an item (e.g, volume or channel, etc.), and movement horizontally selects an aspect (e.g., the amount of volume, the channel number). This aspect of claims 1-15 is not only not shown by Lee, and thus not anticipated, it is not suggested by Lee, and thus not obvious. The section of Lee cited in the office action (under the claim 1 discussion) as showing the movement in the

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second direction to select an aspect (Figs. 4A-B, col. 4, lines 33-45) simply shows moving a cursor in two dimensions to select a function.

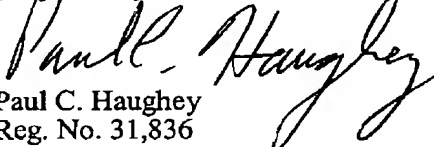
The undersigned requests a telephone conference prior to a final office action as the most expeditious way to explain Lee and the invention, if this amendment doesn't result in a notice of allowance.

**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,

  
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